UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	**Cause No. 4:16CR00176CDP/DDN**
v.	)	
	)	
CHARLES E. JOHNSON,	)	
	)	
Defendant.	)	

DEFENDANT'S OBJECTIONS TO PRE-SENTENCE INVESTIGATION REPORT

Comes now, Defendant, by counsel, and hereby submits the following objection to the Pre-Sentence Investigation Report (PSR). Defendant previously filed no objection to the PSR on February 27, 2017. However, after further review of the PSR, defense counsel believes that a colorable argument can be made with respect to Paragraph 28 of the PSR. In support of this objection, Defendant states as follows:

1. Paragraph 28 provides that "[a]s a firearm was taken, the Dunbar company issued firearm taken from the possession of Jones, one level is added. USSG §2B3.1(b)(6)."

2. USSG §2B3.1(b)(6) provides that "[i]f a firearm . . . was taken, or if the taking of such item was an object of the offense, increase by **1** level."

3. Defendant submits that no firearm was "taken." The firearm at issue was given by Defendant Jones, the orchestrator of the robbery scheme, to be returned to him after the robbery. Defendant could not "take" a firearm from a willing participant in a scheme to commit the robbery.

4. Further, such alleged taking of the firearm was not an object of the offense.

5. Defendant's offense level should not be increased by one level for the taking of a firearm.

6. Defendant's total offense level should be 24, and his guideline range should be 51-63 months.

WHEREFORE, for the foregoing reasons Defendant requests his objections be granted.

FRANK, JUENGEL & RADEFELD,
ATTORNEYS AT LAW, P.C.

By: _*/s/Daniel A. Juengel*_______________
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CERTIFICATE OF SERVICE

I hereby certify that on March 28, 2017, the foregoing was filed electronically with the Clerk of the Court to be served by operation of the Court's electronic filing system upon the following.

Mr. Thomas Mehan
Assistant United States Attorney
111 South Tenth Street
St. Louis, Missouri, 63102.

*/s/ Daniel A. Juengel*_________